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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,885	05/22/2000	Donald E. Crowe	Crowe 2-2-2	2754

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EXAMINER

HOM, SHICK C

ART UNIT PAPER NUMBER

2666

DATE MAILED: 12/24/2003

*[Handwritten mark]*

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/575,885

Applicant(s)

CROWE ET AL.

Examiner

Shick C Hom

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 19-27 is/are allowed.
- 6) ☒ Claim(s) 7-10 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 11,12,17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2666

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

### *Specification*

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 7-10 and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Jonas et al. (20010040885).

Art Unit: 2666

Regarding claim 7:

Jonas et al. disclose the method for processing signals in a multi-services access system for a telecommunication network, the access system capable of being coupled directly to one or more local packet-mode CPE units, a packet-switched network, and a circuit-switched network (see paragraph 0011 which recite the computer for establishing voice conversation, i.e. telecommunication, connected to the packet network and the circuit network), comprising the steps of: (a1) distinguishing packetized derived voice signals from packetized data signals (see paragraphs 0028 and 0004 which recite the packetized voice signal and packetized data); (a2) transmitting each upstream packetized data signal received from a local packet-mode CPE unit to the packet-switched network (see paragraph 0038 which recite transmitting packet through the packet switched computer network); (b) if a downstream packetized data signal received from the packet-switched network is destined for a local packet-mode CPE unit, then transmitting the downstream packetized data signal to the local packet-mode CPE unit (see paragraph 0038); (c) converting each upstream packetized derived voice signal received from either a local packet-mode CPE unit or the packet-switched network into an upstream digital stream

Art Unit: 2666

and transmitting the upstream digital stream to the circuit-switched network (see Fig. 4A the switch for bridging between the packet network and circuit network and paragraph 0027 which recite phone switch determining whether to route over the circuit switched telephone network); (d) if a downstream digital stream received from the circuit-switched network is destined for a local packet-mode CPE unit, then converting the downstream digital stream into a downstream packetized derived voice signal and transmitting the downstream packetized derived voice signal to the local packet-mode CPE unit; and (e) if a downstream digital stream received from the circuit-switched network is destined for a remote packet-mode CPE unit, then converting the downstream digital stream into a downstream packetized derived voice signal and transmitting the downstream packetized derived voice signal to the packet-switched network for routing to the remote packet-mode CPE unit (see paragraph 0028 which recite converting packetized voice data to format for circuit-based switching and paragraph 0011 which recite routing packetized voice data to a circuit switched telephone network). Regarding claim 13:

Jonas et al. disclose the method for processing signals in a multi-services access system for a telecommunication network, comprising the steps of: (a) receiving packetized data signals

Art Unit: 2666

and packetized derived voice signals from a packet-mode customer premises equipment (CPE) unit (see paragraph 0028 and 0004 which recite the packetized voice signal and packetized data); (b) determining whether each packet received from the packet-mode CPE unit is a data packet or a derived voice packet (see Fig. 4A the switch for bridging between the packet network and circuit network and paragraph 0027 which recite phone switch determining whether to route over the circuit switched telephone network); (c) transmitting each data packet from the packet-mode CPE unit directly to a packet-switched network for packet-based switching (see paragraph 0038 which recite transmitting packet through the packet switched computer network); and (d) converting each derived voice packet from the packet-mode CPE unit into a digital stream and transmitting the digital stream directly to a circuit-switched network for circuit-based switching (see paragraph 0028 which recite converting packetized voice data to format for circuit-based switching and paragraph 0011 which recite routing packetized voice data to a circuit switched telephone network).

Regarding claims 8, 14:

Jonas et al. disclose wherein the access system does not have individual dedicated resources for the packet-mode CPE unit (see paragraphs 0031-0032 which recite the standard PC connected

Art Unit: 2666

to the Internet, i.e. packet network, and having no individual dedicated resources).

Regarding claims 9, 15:

Jonas et al. disclose wherein the access system dynamically allocates, in real time, system resources for the packet-mode CPE unit (see paragraphs 0003 and 0005 which recite routing voice signals without delay and method of allocation of bandwidth for each voice channel).

Regarding claims 10, 16:

Jonas et al. disclose the steps of: (e) receiving an incoming digital stream directly from the circuit-switched network; (f) converting the incoming digital stream into an outgoing packetized derived voice signal; and (g) transmitting the outgoing packetized derived voice signal to the packet-mode CPE unit (see paragraph 0028 which recite converting voice data from circuit switch into format for packet switching).

***Allowable Subject Matter***

5. Claims 1-6 and 19-27 are allowed.

6. Claims 11-12 and 17-18 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

. Art Unit: 2666

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chau et al. disclose a telecommunications feature server.

Bodnar discloses fuzzy-logic based overload detection and correction for packet gateways.

Anderson discloses a communications system having distributed control and real-time bandwidth management.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated



. Art Unit: 2666

from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications;  
please mark "EXPEDITED PROCEDURE")

Or:

(for informal or draft communications, please  
label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal  
Park II, 2121 Crystal Drive, Arlington. VA., Sixth  
Floor (Receptionist).

Any inquiry concerning this communication or earlier  
communications from the examiner should be directed to Shick Hom  
whose telephone number is (703) 305-4742. The examiner's

. Art Unit: 2666

regular work schedule is Monday to Friday from 8:00 am to 5:30 pm EST and out of office on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao, can be reached at (703) 308-5463.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



DANG TON  
PRIMARY EXAMINER

SH

December 18, 2003